

REMARKS/ARGUMENTS

Claims 1, 2, 4-13, 15, and 16 are currently pending. Applicants have amended claims 1, 7, and 13. No new matter has been added as result of these amendments.

Claims 1, 2, 4-13, 15, and 16 stand rejected under 35 U.S.C. §101 as being nonstatutory subject matter.

Claims 1, 2, 4-13, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over IP Infusion ("Virtual Routing for Provider Edge Applications", a white paper by IP Infusion, Inc.) in view of Huang ("The ENTRAPID Protocol Development Environment) and further in view of Haut et al. ("Summary: Advantages of shared libraries").

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §101

Claims 1, 2, 4-13, 15, and 16 stand rejected under 35 U.S.C. §101 as being nonstatutory subject matter. The Examiner alleges that claims 1, 2, 4-13, 15, and 16 are directed to software *per se*.

Solely in order to expedite prosecution and without conceding to the merits of the rejections as previously presented, independent claims 1 and 13 have been amended to recite "a plurality of physical interfaces configured to receive packets to be forwarded." Claim 7 also recites a similar limitation. Applicants submit that the "routing device" recited in claims 1, 7, and 13 are therefore not "software *per se*" as alleged in the Office Action, because the physical interfaces are physical components of the routing device that are not merely implemented in software. The Office Action relies upon paragraph [0031] of the specification to support the allegation that the routing device is software *per se*. Paragraph [0031] of the specification merely indicates that some embodiments of the present invention may be implemented in software, but paragraph [0031] does not limit all embodiments of the present invention to be implemented in software, some embodiments may be implemented in hardware or a combination of software and hardware. See Specification, ¶ [0031].

Claims 2 and 4-6, which depend from claim 1, claims 8-12, which depend from claim 13, and claims 15 and 16, which depend from claim 13, should also be statutory subject matter at least due to their dependence from independent claims 1, 7, and 13, respectively.

Accordingly, withdrawal of the rejection of claims 1, 2, 4-13, 15, and 16 is respectfully requested.

Rejections under 35 U.S.C. 103

Claims 1, 2, 4-13, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over IP Infusion in view of Huang and further in view of Haut.

Solely in order to expedite prosecution, Applicants have amended independent claims 1, 7, and 13, and Applicants submit that the even if IP Infusion, Huang, and Haut could be combined as suggested in the Office Action, the combination fails to teach or suggest all of the elements of claims 1, 7, and 13. For example, claim 1 recites in part:

an application, wherein the application is situated external to the plurality of virtual routers, and wherein the application being configured to receive requests to perform a plurality of tasks for at least one client application;

wherein the application is able to selectively communicate with one or more of the plurality of virtual routers and the operating system kernel on a dynamic basis to perform [[a]] the plurality of tasks for the at least one client application, wherein the application selects a virtual router to perform a task based upon a set of routing protocols supported by the virtual router and the task to be performed.

Applicants submit that IP Infusion, Huang, and Haut fail to teach or suggest all of these features of claim 1.

The Office Action relies on the Global Management Authority (GMA) illustrated in Fig. 4 of IP Infusion to teach the application recited in claim 1. However, the GMA of IP Infusion merely provides an interface for administrators to create and manipulate new virtual routers, and to configure any system-wide information shared by all of the virtual routers on a particular system. See IP Infusion, page 5, col. 1, last paragraph, and page 6, col. 1, last paragraph. IP Infusion does not teach or suggest that the GMA may be “configured to receive requests to perform a plurality of tasks for at least one client application” as recited in claim 1. The GMA merely provides an interface for administrators to access and configure a virtual router

system. Furthermore, IP Infusion does not teach or suggest that the GMA “selects a virtual router to perform a task based upon a set of routing protocols supported by the virtual router and the task to be performed” as recited in claim 1. The GMA of IP Infusion merely provides management functions for maintaining the virtual routing system and for configuring individual virtual routers. IP Infusion does not teach or suggest that the GMA may receive requests to perform tasks for client applications and select a virtual router to perform the task based upon a set of routing protocols supported by the virtual router. Huang and Haut fail to remedy the deficiencies of IP Infusions.

For at least the reasons provided, the combination of IP Infusion, Huang, and Haut fail to render claim 1 obvious. Independent claims 7 and 13 should be allowable for similar reasons as claim 1. Furthermore, dependent claims 2 and 4-6, which depend from claim 1, claims 8-12, which depend from claim 7, and claims 15 and 16, which depend from claim 13, should also be condition for allowance at least due to their dependence from independent claims 1, 7, and 13, respectively.

Accordingly, withdrawal of the rejection of claims 1, 2, 4-13, 15, and 16 under 35 U.S.C. §103(a) is respectfully requested.

Appl. No. 10/775,732
Amdt. dated February 4, 2009
Reply to Office Action of November 4, 2008

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



Jeffrey S. King
Reg. No. 58,791

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 858-350-6100
Fax: 415-576-0300
JSK:sjs
61692996 v1